

The Leesburg Planning Commission met on Thursday, February 3, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Wade Burkholder, Brian Boucher, Christopher Murphy, Susan Swift, Charlie Mumaw and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
Commissioner Bangert
Commissioner Barnes
Commissioner Hoovler
Commissioner Jones
Commissioner Kalriess

Absent: Commissioner Wright.

ADOPTION OF AGENDA

Susan Swift requested that Item 11 on the Agenda, Zoning, be considered prior to the public hearings this evening.

Commissioner Bangert moved to adopt the agenda as amended.

Motion: Bangert
Second: Kalriess
Carried: 5-0

Commissioner Hoovler was not present for this vote

APPROVAL OF MINUTES

None

PREVIEW CASES

TLZM 2004-0006 – Kinkead Forest Concept Plan Amendment, Southwest Corner of Battlefield Parkway and Kinkead Forest Boulevard – Wade Burkholder, AICP, Planner.

Chairman Vaughan asked the Commission to please familiarize themselves with this case and be prepared for the public hearing on February 17. He went on to say that the format of previewing cases was on the agenda for discussion this evening under Old Business.

CHAIRMAN'S STATEMENT

Chairman Vaughan reviewed the remainder of the agenda for the members of the public.

ZONING

SE 2004-27 – Arby's at Potomac Station Retail, fast food restaurant with drive through – 601 Potomac Station Dr., NE. Wade Burkholder, AICP, Planner

Mr. Burkholder reviewed the application and indicated that they had come to an agreement with the applicant over the placement of the screening wall.

Dino Ponce, representative for the applicant came forward and said he would be available at this time for any questions.

Commissioner Jones asked about the placement of the wall, and the composition of the wall.

Chairman Vaughan asked about the placement of the menu board, and how many cars could stack from that point back. Mr. Burkholder responded that the requirement for ten cars was met. Mr. Vaughan's concern was that if there is any backup, what happens when there is a delivery? He also feels that it poses an ingress/egress problem.

Commissioner Jones felt that the ingress/egress area did have some significant problems and questioned the spacing and the traffic flow. Too much traffic for the site layout.

Mr. Ponce responded that this was the only way they could configure things on this site. Mr. Jones asked if he was concerned with the traffic flow and Mr. Ponce responded that he did not have a concern.

Chairman Vaughan stated that they need to make sure that the entrance to the site is well marked that there is two way traffic.

Commissioner Bangert moved that the Planning Commission accept SE 2004-27 Arby's at Potomac Station conditioned upon conditions contained in the report as well as the change in location of the menu board.

Motion: Bangert
Second: Barnes
Carried: 4-1

Commissioner Jones voted against the motion. Commissioner Hoovler was not present for this vote.

SE 2004-28 – Loudoun National Bank with drive through. Wade Burkholder, AICP, Planner

Mr. Burkholder reviewed the application and stated that the BAR and the applicant are reviewing the architectural design of the building. As a result a condition has been added to the report that the architectural drawings and elevations are currently under further review.

Robert Sevila, representative for the applicant, indicated that correspondence has exchanged among all parties, including the consultant for the Crescent District. The comments have been returned to the applicant's architect for review.

Commissioner Kalriess feels that the PC should review this canopy, and is troubled that a recommendation is going to Council without Commission recommendation and approval.

Commissioner Bangert moved that the Planning Commission recommend approval for SE2004-28, Loudoun National Bank with Drive through contingent on the conditions contained in the report.

Motion: Bangert
Second: Barnes
Carried: 5-0

Commissioner Hoovler was not present for this vote.

PETITIONER'S

None

PUBLIC HEARINGS

Chairman Vaughan asked if the four hearings could be heard as one or if they needed to be heard separately. Bill Donnelly, Town Attorney, entered the room and said that yes, the four hearings could be considered concurrently.

Fort Evans Plaza II (International Pavilion)

TLSE-2004-013 Retail Center greater than 100,000 square feet, situated at the northwest corner of Ft. Evans Road and planned Battlefield Parkway, NE

TLSE2004-014 Bank with Drive-Through North, situated at the northwest corner of Ft. Evans Road and planned Battlefield Parkway, NE

TLSE 2004-015 Bank with Drive-through, South, situated in the northwest corner of Ft. Evans Road and planned Battlefield Parkway, NE

TLSE 2004-016 Fast Food Restaurant with drive-through, situated at the northwest corner of Ft. Evans Road and planned Battlefield Parkway, NE

Commissioner Bangert asked to handle TLSE2004-0013 separately from the three drive through applications.

Michael Banzhaf, representative for the applicant, said that their presentation was assembled to give an overview of the entire area. He also presented the Commission and entered into the record a response to the staff report. He felt there were some inconsistencies in the staff report and went on to give an overview of what is being planned for the area. This area is zoned B-3, and consists of 114 acres. One reason given for denial is lack of lighting use. This has now been provided. Another reason stated was architecture and whether it complied with the town plan. Mr. Banzaf said this was not really consistent with this application. The question of whether the use is appropriate is also an issue. They have worked with the town to address concerns about civil war sites, the water tower site and assisting in the construction of Battlefield Parkway. He stated that his intent during the presentation this evening is to introduce the team working on this.

James Brown of Dewberry and Davis gave an overview of the design of the project. With reference to land slope, he pointed out the pond area, pedestrian ways, the setting of the two large retail elements and in the southwest corner the plantings around the pond and the screening that will hide the retaining wall. He pointed out the roadways, parking areas and other access points. He felt they were being sensitive to the residents in the area and that they are going over and above the required screening. He reiterated the pedestrian walkways and pointed out that the initial design was changed to give it a less of a strip mall appearance. They reduced the size of the loading zones along with some other suggested changes. He illustrated this through the use of an overlay slide comparing this application with other developments. He then addressed the lighting that is proposed.

Mr. Hoovler joined the meeting at 7:35pm.

George Hasser, an architect for the applicant, came forward to address the layout of the Plaza. He presented an autocad drawing of the project that depicted the detail of the architecture. He went on to speak in detail about the project.

Chris Murphy, Sr. Planner, gave the staff report on each separate Special Exception application. He gave an overview of the entire site, and its location along Ft. Evans Road and the proposed Battlefield Parkway. The zoning is in the B-3 zoning district, which is community/retail/commercial, this property is B-2 mix, which means that several uses including office, light industry and residential is designated for the area under the Town Plan. Commercial is intended as a secondary use and designed to help the business uses. This use is not consistent with the Town Plan. Mr. Murphy also pointed out that this site is very visible from many areas of Leesburg, and care should be taken not to add another potential "eyesore". After pointing out that design and lighting review were not

submitted for the site, and that care was not taken to consider the impact on the neighboring residences, denial of all phases of this application was recommended by staff.

Commissioner Bangert referenced the letter received from Mr. Banzhaf that refers to the differences between the Zoning Ordinance and the Town Plan. She felt that this letter should be reviewed by the Town Attorney and then explain the legalities of the issues to the Commissioners. Ms. Bangert encouraged the public hearing to remain open, but to refrain from discussion until these issues are clarified.

Commissioner Hoovler agreed with Commissioner Bangert and further stated that since the photometric plan had not been received for review, he would like to see staff have the opportunity to review the plans.

Commissioner Kalriess said he had several questions of the applicant and would like to do this at this time. He said he agreed that he would like to stay away from the letter since it has not had legal review yet.

Commissioner Bangert said she wanted to go forward with the motion to stop any public comment this evening. Chairman Vaughan disagreed. She went on to say the case boils down to what the Zoning Ordinance says and what the Town Plan says and the conflict of the contents. Chairman Vaughan said that everyone would review this and that there will be resolution on the differences. Commissioner Bangert said she was still concerned regarding the questioning and direction of the discussion that could potentially put the town in a legal position.

Mr. Banzhaf noted that they should go forward with the public hearing and that the Planning Commission decision won't affect the final decision and the legality, that will move to the Council level.

Commissioner Hoovler said he had a question on process. The clock is ticking, this will remain open for comment for the next ten days. Is this enough time to review this information, when it comes up for a vote can we discuss the details at that time prior to the vote. He asked Mr. Murphy if this would give him time to review the photometric plan. Mr. Murphy responded that yes, he had ample time to review this. Mr. Hoovler asked that he keep Commissioners aware of what he has found so that they can make a decision.

Commissioner Kalriess said at this time they are merely considering the facts, and that they are not making decisions so they should go ahead with the hearing.

Chairman Vaughan asked the Commissioners if they wanted each pad site reviewed separately at this time.

Chris Murphy briefly reviewed each of the sites. Commissioner Hoovler asked where the Civil War site was and whether it was in the preservation area. Mr. Murphy replied that yes, it was.

TLSE 2004-0014 Bank with drive through North. No elevation drawings showing architecture, materials and colors for either the bank or the drive through were submitted. No photometric plans or information on proposed lighting was submitted. The plat fails to show a dumpster and screening as required in the Zoning Ordinance.

TLSE 2004-0015 Bank with drive through South. This application fails to provide site lighting and speaker volume, along with no information on architecture and design with relation to no adverse impact on surrounding properties per the Zoning Ordinance.

TLSE 2004-0016 Fast Food Restaurant with drive through. This application fails to provide information on architecture, design, location of menu boards and speakers, speaker volume with regard to no adverse impact on adjacent properties per the Zoning Ordinance. In addition the application fails to demonstrate an operable loading space per DCSM 7-520.8.D.

Chairman Vaughan asked the applicant if they had any further information on the pad sites.

Michael Collier with Uniwest stated that due to technical difficulties, they were unable to successfully send the photometric plans to the staff. With respect to the pads, they do have a photograph for the bank on Ft. Evans Road and will get this to staff by the end of the day on Friday. He went on to say that there will be a hedgerow to buffer headlights in areas where it is necessary. He said as they meet with staff, they are improving the plans constantly. He said there is not a specific use for the fast food restaurant yet, so they need to wait until the design for that is complete. They can, however, try to start with a standard architecture that could then incorporate the tenant's design to an extent. They will be using low pole lights whose lumens will fall well within the standard.

Commissioner Hoovler asked Mr. Murphy regarding the lack of the dumpster site, is this true for the restaurant also? He asked Mr. Collier if he could point out where the dumpster might be located. Mike Collier stated that he won't indicate a location until they have conferred with engineers and staff. Mr. Hoovler went on to ask if they would be extending the buffer wall that faces Sycamore Hill. Mr. Collier said the wall would be at the corner, however they would extend a hedgerow from that wall as far as they need to for buffer. Mr. Hoovler asked if they had taken the viewshed into consideration when they placed the banks and restaurant. Mr. Collier explained because they have drive throughs, they need to be oriented for proper traffic movement. Lastly, have they determined how the vehicles will stack at the restaurant drive through, and do they have the AASHTO regulations for the loading area and sweep path. When will you do the study? Can it be done within the next ten days? Mr. Collier responded that yes, they would have this by that time.

Commissioner Kalriess asked if there was discussion between the staff and the applicant regarding the B3 and C2 zoning issue. Mr. Murphy responded no. Did the staff ask for the information on lighting and elevation? Yes, they did.

His question of the applicant was on the elevations. Is the facing between the piers precast? Mr. Collier said that yes, that was correct. Mr. Kalriess went on to ask if the look was representative of what the buildings will look like? Mr. Collier referred to the photos that were shown of some developments in the area. Mr. Kalriess asked if this is the look they are after, the response was yes, for the most part depending on tenancy. He asked about the masonry paving that was shown, is it all masonry or part paving and part masonry. All masonry was the response. Mr. Kalriess asked if certain actions depended on the planning commission comments. Along these lines, will he keep the lighting poles 20 feet around the periphery and increase the height on the interior of the development? Mr. Collier responded yes and went on to say that currently Giant is at 40'. Mr. Kalriess said that the elevation in the interior is even higher, so 35' poles will be visible from quite a distance. Lastly, Mr. Kalriess asked if this development was so far along that incorporation of other types of business other than retail is out of the question? Mr. Collier said that no office is planned on this Special Exception site at this time.

Commissioner Jones said that he had some real concerns with this development process. Staff brings it forward as special exceptions, but he cannot see the sense in approving three pad sites prior to approving the entire development. He is disappointed in the direction the town has taken with the Comp Plan and the discussion about the character of the town with all of the extraordinary growth. He commended Mr. Murphy's shots from around town and how they made an impact. The developer should have been more acutely aware of what can go in there. He thinks that we can do better and is troubled by the process after all of the discussion that has gone on, by intent and by the type of development that is being proposed. Mr. Jones asked if this was part of the Fort Evans historic complex? Mr. Murphy responded that they can only assume that it is. He then asked Mr. Murphy about the square footage of the pad sites. Mr. Murphy responded that the pad sites were 14,800sf., 9,500sf and 9,000sf. The large retail areas are at 114,613 and 86,105. Mr. Jones concluded by saying he did not feel good about this application.

At this time Chairman Vaughan opened the public hearing.

Mark Mullins, Vice President of Legal Affairs for Rehau, Inc. came forward. He said it was Rehau's desire to see this area developed as office. If it is used as retail space, Rehau has concerns about people coming onto their property. He suggested that there be a condition that could protect their property. Possibly berms or other natural barriers could be used. Secondly, they would like thick evergreen landscaping that would block out architecture that is not aesthetically pleasing. Third they have an easement across the property and want a comment on where this will be relocated. They have the right to go out onto Fort Evans at some point in the future and need to know where this easement would be. They are pleased with the location of Battlefield Parkway.

Since there were no other speakers, the Public Hearing was closed at this time.

Chairman Vaughan announced that the public hearing will remain open for comment for the next ten days and will be on the Planning Commission agenda February 17, 2005.

Commissioner Hoovler agreed with Mr. Jones with regard to how this development is being proposed. Particularly the viewshed, historical impact, impact on the neighborhood, etc. Have the residents of Sycamore Hill been contacted? They will be impacted along with Rehau. Mr. Banzhaf responded that they were given notice, but were not personally contacted, nor was the HOA.

Commissioner Kalriess said he was concerned that there had been no contact and encouraged them to work with staff and the impact on neighbors. There is an issue of corporate citizenship regarding the lighting, lights shining into the homes, etc. We don't want the citizens to feel that they have been ignored.

Chairman Vaughan had several concerns. First, the retail area. While the architecture seems to be attractive, how pedestrian friendly will this location be? There seems to be a great amount of surface parking, it prohibits things being close to each other. Add structured parking to pull the community together and make it more pedestrian friendly. With respect to the bank facilities, he feels that the drive throughs should be interior to the site and not seen from the roadways. Further the entrance and exits from those sites are of concern. He went on to ask staff if this portion of Battlefield Parkway is constructed, how much of the roadway construction will be left. Mr. Murphy responded that it was probably of equal length.

Mr. Vaughan said that most of the applications that come in before June will probably be along Battlefield Parkway. We're going to have to decide on whether we stick with the vision of the Town Plan or opt to go for the road improvements. The Planning Commission needs to decide what their commitment is to the Town Plan. He asked the applicant to address the possibility to adding berms and the easement access to Rehau.

Mr. Collier said that they have had good relationships in the past with Rehau and will look at the requested screening. The berm may not be good in some areas because of the topography fluctuations. The easement was discussed with staff leaving some options for Rehau.

Chairman Vaughan then addressed the lighting. The 35 foot poles will sit on a high elevation and will be seen from all over town. If they are not careful, they will duplicate the orange dome concept of Home Depot. Please consider how this lighting will impact the area. He once again asked for a more pedestrian friendly concept. He concluded by saying that this application will be open for public comment for the next ten days.

Commissioner Hoovler asked about the fifteen percent excess of parking spaces, and the statement that they could combine buildings to mitigate this. Mr. Murphy responded that they could reduce the number of parking spaces. Once the revised plans come in, they will know more.

COMPREHENSIVE PLANNING

Susan Swift gave an overview of the upcoming schedule for meetings on the Town Plan stating that this is a draft. This is an aggressive schedule but needs to be adhered to so that the draft plan could be in place prior to some upcoming applications. This schedule doesn't give much time to the staff for revisions. Staff proposes to take this through all of the commissions, receive comments and then do a revision. The revision would be available before the public hearing if requested, or it can be revised after the public hearing if we want to incorporate those comments.

Basically staff will meet with each of the commissions twice, once for an overview and the second time to capture comments. The Planning Commission will take the lead on the process and meet on a weekly basis in worksessions. This would go through March and in April the public hearing process would begin.

It looks as though the Meadowbrook application is being moved forward to a March hearing. Also the two county CPAMs may be coming up in mid-March, so these may also be added to the schedule.

The Town Plan will be ready tomorrow and available to the public on Monday.

Commissioner Hoovler asked if they could go on a site tour of both the Meadowbrook and KSI applications. This would be helpful for them to visualize the applications. He said this needed to be done relatively quickly if this is coming up in March.

Commissioner Jones acknowledged Director Swift and the staff for their efforts in putting together the reports and the town plan.

Susan Swift asked that they review the schedule so that it can be published.

Commissioner Bangert asked that the Ft. Evans vote be moved from February 17 to February 24. Commissioner Hoovler said they should wait until the 17th to make that decision since the applicant is not aware of this move. Ms. Bangert said they are supposed to meet with staff which would give them ample time to learn about the schedule change.

Commissioner Hoovler asked about the schedule and wanted to know how they would receive the comments from the other commissions. Ms. Swift responded that it depended on the complexity of the comments. She would like to see them made available in real time, but it is dependent on the process. Mr. Hoovler said it was easier to take segments to look over rather than one large group of comments. Chairman Vaughan said they could attend some of those meetings and be a part of them. Susan Swift said they will make every effort to get the reports off to them. Mr. Hoovler said the liaison or staff person attending the meeting should be able to pass the comments on to the Planning Commission.

Commissioner Kalriess requested that comments get to the Commission members within a week to ten days after they are made so that they can adequately review them. He then asked if the sections would be broken up or if they entire plan would be reviewed. Susan Swift responded that they would see the entire plan and comment on it.

Commissioner Hoovler commented that the other commissions often did not get the material required for meetings. He suggested that the staff liaisons make contact with the chairpersons of the other committees so that each one knows that this is coming up and to focus the attention of the committee on parts of the plan that is most relevant to them.

Commissioner Jones said that the EAC has their retreat on Saturday and asked if the schedule could be handed out at that retreat.

The Commission accepted the meeting schedule as proposed.

Crescent District Master Plan Update Urban Forestry Master Plan Update

Susan Swift pointed out that the Commission has been provided with the scope of services which sets out the idea of what is involved in both the Crescent District Plan and the Urban Forestry Master Plan. The Urban Forestry Master Plan will be under the direction of Jay Banks, Urban Forester and the Tree Commission. Questions regarding this should be directed to Jay. On the Crescent District, the Planning Commission will be the steering committee for this. Hopefully this will kick off around the end of February and a schedule will be forthcoming.

Commissioner Kalriess had some questions on how the input would be obtained from Kimley Horn.

Commissioner Jones asked about the delineation of the Crossroads area. Susan said that one of the tasks of the Master Plan would be to determine the boundaries.

Commissioner Hoovler said they will be meeting on a night that is outside of the town plan meetings. Susan responded that yes, that would be the case, but they are still trying to determine how this would take place. Mr. Hoovler said he would be open to a day meeting.

OLD BUSINESS

Regarding the retreat followup, Commissioner Hoovler said he thought they were going to construct a timeline.

Chairman Vaughan referred to the rolling agenda that was discussed. Susan Swift said a list has been provided that sets out the upcoming applications and their deadlines and when it will come up on the Commission agenda.

Chairman Vaughan went on to say that Commissioner Bangert said that she would like to meet with other commissions on a quarterly basis or at least twice a year on subjects such as the 60/40, JLMA, etc. Commissioner Bangert said this was encouraged earlier in the year but she doesn't know what happened. There was some discussion on the joint commission orientation and whether this would continue. Susan Swift said she didn't think this had been brought up to the new council. Ms. Bangert said this should continue and asked if they should bring it up to Council formally.

Chairman Vaughan mentioned that Commissioner Hoovler would like to see an annual review of Town Plan implementation. Mr. Hoovler said that they need to receive an update on the status of the goals of the plan and make use of a database of all the information that is gathered. Update the plan as you go along and keep the data up to date, then you are proactively keeping ahead of things. Susan Swift stated that there is an action program for each element stating who is responsible and what information will be gathered. Mr. Hoovler said this should make it easier for staff to make sure the information is updated.

Commissioner Jones asked if there should be a Commissioner in charge to make sure that this gets put on the agenda on a regular basis.

Commissioner Bangert would like to see a needs assessment done regarding the population and the availability of libraries, parks, trails, etc. Currently we don't have that but we should get these standards in place. These standards need to be built in so that when applications come in, they can ask for certain public facilities per a percentage of residential development. Susan Swift said that there is an objective built into the plan that the town should consider facilities standards guidelines.

Chairman Vaughan said there was a long list of items, and they can't possibly address them all this evening. Susan Swift said many are addressed in the town plan. Mr. Vaughan went on to read the list which includes review of the DCSM; Citizen Education Process; CIP; Budget; E&PW priorities; Commission calendar; growth management issues. Mr. Hoovler said the growth management issues would cover a UGAMP similar to Purcellville's.

Commissioner Jones pointed out a document that he gave to all Commission members which refers to the Area Management Plan. He said they agreed to discuss this management area. He wanted to highlight what the county has done over the years in the area plan. It is their responsibility to know what they want when it comes to this. Over the years the county has changed things without any comment from the town. We need to know what everyone's responsibility is in this management effort. He included attachments that show what the town wants and what the county is doing.

Commissioner Bangert asked if he thought to effectively work with the County's planning commission, should there be a meeting so that everyone is in consensus on what we want. Mr. Jones responded that yes, that is the intent. Ms. Bangert asked if staff

needed to be included in these meetings or if the commission should just move forward quickly so that we don't miss our chance.

Commissioner Hoovler suggested that a subcommittee be appointed to deal with this.

Chairman Vaughan said that they would address this under new business. He also said that he would put together a Planning Commission calendar.

Discussion of the Preview Process

Commissioner Kalriess said he would like to see a work session atmosphere created. He feels that right now they must be very careful how they address questions and comments and feels they cannot get enough information. He doesn't feel the previews have been effective. He prefers to review things as a group rather than individually because of the benefit of other commissioner's comments and thoughts.

Chairman Vaughan gave a brief history on the process. There was a meeting prior to the public hearing. This gave everyone the opportunity to learn more about the application. The point arose that since the public had no input during this hearing, that some legal concerns arose. It was determined that the content of the public hearing should not be discussed prior to the public hearing. In order to allow the Commission to get some information, the preview session was designed. It was in a format where the staff would provide information and questions could be answered without going into too much detail. He said that this process made it uncomfortable since the applicant really wasn't given the opportunity to rebut any staff comments. They then tried to have the staff present, without presentation, allowing the Commission members to ask questions on the application. It put the burden on each Commission member to contact staff and educate themselves prior to the public hearing.

Susan Swift said yes, there was discussion back and forth with the applicant but the public was not allowed to comment. This didn't put everything on equal footing.

Commissioner Jones said he didn't feel adequately prepared to ask questions of the application. He had many questions but didn't feel it was an appropriate time to ask them. Aren't the Commission members supposed to have the same opportunity as the staff to get the whole picture. The process shields them from asking critical questions. He had questions this evening regarding B2 and B3 zoning but felt it wasn't the time to ask.

Commissioner Vaughan commented that the way it is currently set up, the only thing you can ask about are issues to clarify what the staff is saying, you can't go into the minutia of asking other questions. Commissioner Kalriess says he doesn't understand why they can't have a work session and discuss what they please. Commissioner Bangert says that the way the agenda is set up, the public could comment on the application during the petitioners session. She doesn't feel the public is left out of the process, but rather the

Commissioners are. Susan Swift said the public is left out of the process because there is no advance notification.

Commissioner Jones said there is an ample process for public hearing and questioned why they have an exercise in which they get an understanding of the case prior to public hearing. Susan Swift said they can, if ground rules are set. She feels the preview is the problem. Why not go straight to the public hearing and then everyone can comment as they wish. If there are further questions, you continue the public hearing. All questions and comments should be brought out at the public hearing. Staff didn't feel the previews were effective the way they were set up, previously there was too much discussion between the applicant and the Commission and there were complaints that the process was too long. The preview was a compromise to the process. The Meadowbrook application alone will require several public hearings because of its complexity.

Commissioner Hoovler said in the preview sessions they attempted to barter by asking for "more trees" etc. There were presentations and there was discussion but the public hearing wasn't involved so that was somewhat inappropriate. As a result the best product was not always achieved.

Commissioner Jones asked what opportunity there would be for a special worksession to get the chance to educate themselves.

Chairman Vaughan said they should get as much information as they can and take it to the public hearing stage and move forward.

Commissioner Bangert said she sees Susan's point on going straight to the public hearing, it puts the citizens into the process. Her concern is how to get the public to the public hearing when nothing is out there to publicize it in advance. Letters go only to directly affected property owners. Do the others really see it in the paper.

Commissioner Kalriess said if you have a work session that is a public hearing and then we have another public hearing or a vote the following meeting. That would be the way to go.

Commissioner Hoovler feels this works for him. He doesn't want to add additional meetings. He looks his packet over and prepares himself. Currently the way the packet is received allows for ample time to review the issues and meet with staff to reach decisions.

Commissioner Kalriess said he was referring to the regularly scheduled meeting. His concern is that he spent over ten hours going through the materials and then wasn't even allowed to ask his questions since the preview was not even done. He spends time calling staff to no avail.

Chairman Vaughan said they will receive information and will be given the opportunity at the public hearing to fully discuss it.

Commissioner Hoovler said receiving something on Saturday for a meeting on Thursday does not allow him ample time to review it.

Commissioner Bangert said the Thursday meeting will essentially give them the opportunity to learn more details.

Commissioner Jones wants a window to be able to talk about substantive things to the community. He feels strongly about what ends up in the community.

Chairman Vaughan said the public hearing will allow them to openly discuss any part of the application.

Commissioner Bangert said this will really allow them to perhaps do overlays, etc. by using the town plan as a vehicle.

Chairman Vaughan announced that the preview is no longer a part of the agenda. He went on to say the public hearing is the vehicle to get the public feedback and then take all of the staff and applicant information as a basis for discussion of the application. He asked for the Commissions cooperation to move the application forward through the public hearing process.

Commissioner Kalriess asked if there are technical clarifications that need to be asked of staff or applicant can they do this in the public hearing. He may ask a question so that the public understands the definition.

There was some further discussion about the timing of this new process. Clarification was given that a vote does not need to be taken the night of the public hearing or at the next meeting if the application if the issues have not been clarified.

Chairman Vaughan asked about the subsequent meeting and whether it needed to be called another public hearing. Susan Swift responded that at the public hearing they could ask any questions, then at the next meeting any public input would fall under the Petitioners session. If there need to be additional hearings, then that would be indicated and placed on the agenda.

Commissioner Kalriess suggested that at the first meeting they ask in depth questions but be careful not to express opinion or judgment. At the second meeting more opinionated questions could be asked of the applicant. This allows it to go to the public and then they can decide whether to vote or carry over until the next meeting.

Commissioner Bangert asked members of the public present what they thought. Rich Stallard responded that he liked what he heard. He feels that this will allow the public to learn the process, as he is doing this evening, and make them more a part of the process.

Joanne Elvers said that what the Commissioners ask is very enlightening to the public and very important to her.

Mr. Stallard went on to say that allowing the public to speak at the petitioners session at the second meeting makes the public feel more like they are part of the process and will give this feedback to the developers.

Commissioner Kalriess moved to adopt the new process relative to the public hearing and deleting the preview process.

Motion: Kalriess
Second: Bangert
Carried: 6-0

NEW BUSINESS

Chairman Vaughan asked for volunteers to be on the CPAM committee with the County.

Commissioner Hoovler moved that Clifford Vaughan, Bridget Bangert, Ted Kalriess and Chuck Jones represent the town on joint discussions with the County on CPAMS 28 and 18.

Motion: Hoovler
Second: Barnes
Carried: 6-0

Commissioner Kalriess asked if the Commission would like to entertain a Planning Commissioner from Arlington County to come to speak to them regarding affordable housing though tax revenue for funds.

Susan Swift said March 3 might be an appropriate time.

Chairman Vaughan asked where Mr. Wynn was with his presentation on the BioTech ideas. Susan Swift replied that he is doing a staff presentation first and then will present to the Commission.

ADJOURNMENT

The motion was made and seconded to adjourn at 11:04pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Clifton Vaughan, Chairman

